

BILL NO. 86-21

AS AMENDED

COUNTY COUNCIL

OF

HARFORD COUNTY, MARYLAND

BILL NO. 86-21 (AS AMENDED)

Introduced by Council President Hardwicke at the request of the County Executive

Legislative Day No. 86-9 Date April 1, 1986

AN ACT to add new Subsection 2.111, of Section II, heading, Definitions, to add new Section VII, heading, Parkway Regulations, and to add new section titles to Sections VIII through X, to the Harford County Subdivision Regulations (1959 Edition, as amended); to provide for the design and development of parkways; to provide for the prevention of haphazard and inconsistent treatment of roadways and landscapes along parkways; and to provide for the preservation of rural landscapes when designated as part of a parkway.

By the Council, April 1, 1986

Introduced, read first time, ordered posted and public hearing scheduled

on: May 6, 1986

at: 6:30 P.M.

By Order: Angela Markowski, Secretary

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on May 6, 1986

and concluded on May 6, 1986

Angela Markowski, Secretary

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

BILL NO. 86-21

AS AMENDED

1 Section 1. Be It Enacted By The County Council of Harford
2 County, Maryland, that new Subsection 2.111, of Section II,
3 heading, Definitions, new Section VII, heading Parkway Regula-
4 tions, and new section titles VIII through X, be, and they are
5 hereby added to the Harford County Subdivision Regulations (1959
6 Edition, as amended), all to read as follows:

7 Section II

8 Definitions

9 The following definitions represent the meaning of terms as
10 used in these regulations:

11 2.111. PARKWAY - AN ARTERIAL ROAD SUBJECT TO SPECIAL REGULATIONS
12 WITH RESPECT TO ACCESS, RIGHT-OF-WAY, DESIGN, AND LANDSCAPING,
13 INTENDED TO BE APPROPRIATE FOR MAJOR NEW DEVELOPMENT AREAS.

14 SECTION VII

15 PARKWAY REGULATIONS

16 7.01. ALIGNMENT AND SETBACKS. THE DEPARTMENT OF PLANNING AND
17 ZONING AND PUBLIC WORKS SHALL JOINTLY ESTABLISH THE ALIGNMENT OF
18 EACH SECTION OF A PARKWAY BASED ON PLANNING AND ENGINEERING
19 STUDIES AND ON APPLICABLE ZONING AND SUBDIVISION REGULATIONS, IN
20 COOPERATION WITH AFFECTED LANDOWNERS AND DEVELOPERS.

21 BUILDING SETBACKS FROM PARKWAYS SHALL BE SIXTY (60) FEET IN
22 CONFORMANCE WITH THE PROVISIONS OF SECTION 25-5.3(a)(7) OF THE
23 ZONING CODE.

24 7.02. DIMENSIONAL CHARACTERISTICS. THE RIGHT-OF-WAY SHALL BE A
25 MINIMUM OF EIGHTY (80) FEET. WHERE SLOPE OR DRAINAGE DICTATES,
26 THE RIGHT-OF-WAY SHALL BE WIDENED TO INCLUDE TO TOP OF CUT OR TOE
27 OF FILL, PLUS AREA TO TRANSITION TO EXISTING GROUND FOR
28 REVERTIBLE EASEMENTS AND PERPETUAL DRAINAGE EASEMENTS.

29 CONSTRUCTION SHALL CONFORM WITH SECTION 7.05(a).

30 a. THE PARKWAY SHALL CONSIST OF TWO TWELVE (12) FOOT TRAVEL
31 LANES, ONE SEVEN (7) FOOT SHOULDER AND ONE TWELVE (12) FOOT
32 SHOULDER, THE LATTER TO CONTAIN SIGNING AND STRIPING FOR A FIVE

1 (5) FOOT BIKEWAY/PEDESTRIAN LANE. THE BIKEWAY/PEDESTRIAN LANE
2 SHALL BE FINISHED WITH A TWO (2) INCH LAYER OF BITUMINOUS
3 CONCRETE.

4 b. CONSTRUCTION STANDARDS AND SPECIFICATIONS FOR TRAVEL
5 LANES AND SHOULDERS SHALL BE IN ACCORDANCE WITH THE HARFORD
6 COUNTY ROAD CODE STANDARD SPECIFICATIONS FOR ARTERIAL ROADS.

7 c. THE PARKWAY SHALL BE DESIGNED AS AN OPEN SECTION ROAD
8 WITH GRASSED SLOPES. SLOPES LEADING INTO A DRAINAGE SWALE SHALL
9 NOT BE GREATER THAN FOUR (4) HORIZONTAL TO ONE (1) VERTICAL
10 (4:1). THE BASE OF THE SWALE SHALL BE GRADED TO ALLOW FOR MOWING
11 AND SHALL NOT BE A V-DITCH. ANY PLANTING SHALL BEGIN A MINIMUM
12 OF SIX (6) FEET FROM THE CENTER LINE OF ANY SWALE TOWARD THE
13 OUTSIDE OF THE RIGHT-OF-WAY LINE.

14 d. AT INTERSECTIONS OF THE PARKWAY WITH SUBDIVISION ROADS,
15 THE OPEN SECTION PATTERN SHALL BE TRANSITIONED TO CLOSED SECTION
16 AS PROVIDED IN SECTION 7.05(b), SECTION 7.05(c), OR SECTION
17 7.05(d), WHICHEVER ONE IS APPLICABLE.

18 e. THE PARKWAY SHALL HAVE A DESIGN SPEED OF FORTY (40)
19 MILES PER HOUR. HORIZONTAL CURVE RADII SHALL NOT BE LESS THAN
20 SIX HUNDRED SEVENTY (670) FEET, VERTICAL GRADES SHALL NOT EXCEED
21 EIGHT (8) PERCENT, AND STOPPING SIGHT DISTANCES SHALL BE A
22 MINIMUM OF TWO HUNDRED SEVENTY-FIVE (275) FEET.

23 f. AT INTERSECTION WITH OTHER COUNTY ARTERIALS OR COLLEC-
24 TORS, THE PARKWAY SHALL BE WIDENED AND MARKED FOR OPPOSING LEFT
25 TURN LANES.

26 7.03. ACCESS TO PARKWAYS.

27 a. COMMERCIAL OR INDUSTRIAL USE DRIVEWAYS OR ACCESS POINTS
28 SHALL BE CONSOLIDATED TO THE EXTENT PRACTICABLE.

29 b. NO RESIDENTIAL DRIVEWAYS OR ACCESS POINTS FOR INDIVIDUAL
30 COMMERCIAL OR INDUSTRIAL USES OF LESS THAN FIVE (5) ACRES SHALL
31 BE PERMITTED. ACCESS TO THE PARKWAY FOR RESIDENTIAL USES SHALL
32 BE BY PUBLIC ROADS ONLY.

1 c. SUBDIVISION ACCESS ROADS SHALL CONFORM TO THE DESIGN AND
2 CONSTRUCTION STANDARDS OF THE ROAD CODE.

3 d. SUBDIVISION ACCESS ROADS WITHIN ANY ONE SUBDIVISION
4 SHALL BE SPACED AT A MINIMUM DISTANCE OF SIX HUNDRED (600) FEET,
5 MEASURED FROM CENTER LINE TO CENTER LINE AT THE POINT OF ENTRANCE
6 TO THE PARKWAY.

7 e. PARKING ALONG THE PARKWAY SHALL BE PROHIBITED.

8 7.04. LANDSCAPE EASEMENT

9 a. A LANDSCAPE EASEMENT ABUTTING THE PARKWAY SHALL BE
10 PROVIDED AND MAINTAINED BY THE DEVELOPER, ITS SUCCESSORS, AND
11 ASSIGNS. VEGETATION AND OTHER LANDSCAPING IMPROVEMENTS WITHIN
12 THIS EASEMENT SHALL PROVIDE A BUFFER BETWEEN THE PARKWAY AND THE
13 ADJACENT PROPERTY TO ENSURE THE PRIVACY OF RESIDENTS AND ENHANCE
14 THE VISUAL QUALITY OF THE NEIGHBORHOOD FOR MOTORISTS. A DECLARA-
15 TION OF COVENANTS FOR A HOMEOWNER'S ASSOCIATION SHALL ADDRESS
16 THE MAINTENANCE RESPONSIBILITY OF THE BUFFER AREA WHERE
17 APPLICABLE. IN THE EVENT THAT THE BUFFER AREA IS INCLUDED IN
18 PRIVATE LOTS THAT ARE PART OF CONVENTIONAL RESIDENTIAL DEVELOP-
19 MENT, A NOTE ON THE FINAL PLAT SHALL REFLECT THE EASEMENTS AND
20 LANDSCAPE MAINTENANCE RESPONSIBILITIES PURSUANT TO THE APPROVED
21 DEVELOPMENT PLAN AND THIS LEGISLATION.

22 b. THIS LANDSCAPE EASEMENT SHALL BE A MINIMUM DEPTH OF
23 TWENTY-FIVE (25) FEET AND MAY BE COUNTED AS PART OF THE
24 BUFFERYARD REQUIREMENT AS PER SECTION 25-5.8 (BUFFERYARD USE AND
25 REQUIREMENTS) OF THE HARFORD COUNTY ZONING CODE.

26 c. A LANDSCAPE PLAN FOR THE EASEMENT SHALL BE SUBMITTED.
27 THIS LANDSCAPE PLAN SHALL BE SIGNED BY A REGISTERED LANDSCAPE
28 ARCHITECT AND SHALL BE APPROVED BY THE DEPARTMENT OF PLANNING AND
29 ZONING. THE LANDSCAPE EASEMENT MAY INCLUDE PORTIONS OF PRIVATE
30 LOTS. THE DEVELOPER SHALL POST A BOND TO GUARANTEE CONSTRUCTION
31 OF LANDSCAPING ACCORDING TO THE APPROVED LANDSCAPE PLAN.
32

1 d. THE LANDSCAPE PLAN SHALL BE DESIGNED TO BE CONSISTENT
2 WITH THE PURPOSES OF THESE GUIDELINES. LANDSCAPING SHALL BE
3 VARIED IN TREATMENT ALONG THE RIGHT-OF-WAY AND SHALL BE DESIGNED
4 TO RELATE TO TOPOGRAPHY, SOILS, EXISTING VEGETATION, WATER
5 RUNOFF, VIEWS TO AND FROM THE ROADWAY, THE ADJACENT LAND USES AND
6 INTENSITY OF DEVELOPMENT.

7 e. IF THE LANDSCAPE EASEMENT IS NOT PART OF INDIVIDUAL
8 PARCELS OR LOTS BUT IS PART OF THE COMMON OPEN SPACE OF THE
9 DEVELOPMENT, THEN IT MAY COUNT AS PART OF THE PASSIVE OPEN SPACE
10 AREA REQUIREMENTS FOR THE DEVELOPMENT. THE LANDSCAPE EASEMENT
11 MAY, IN SUCH CASES, INCLUDE TRAILS, BIKE PATHS AND PICNIC AREAS
12 BUT SHALL NOT BE USED FOR ACTIVE RECREATION. SHALL NOT BE USED
13 FOR ACTIVE RECREATION, INCLUDING MOTORIZED VEHICLES.

14 f. WHERE EXISTING TREE STANDS ARE WITHIN THE LANDSCAPE
15 EASEMENT, THEY SHALL BE RETAINED AND NOT BE REMOVED EXCEPT FOR
16 SELECTIVE THINNINGS AND FOR NECESSARY ACCESS ROADS OR UTILITIES.

17 g. PARKING SHALL NOT BE ALLOWED WITHIN THE LANDSCAPE
18 EASEMENT.

19 h. SERVICE DRIVES OR FRONTAGE ROADS APPROXIMATELY PARALLEL
20 TO THE PARKWAY SHALL NOT BE ALLOWED WITHIN THE LANDSCAPE
21 EASEMENT.

22 i. THE LANDSCAPE EASEMENT, IF PLANTED, MUST CONTAIN TREES
23 OR SHRUBS AT LEAST TWO (2) FEET HIGH AT THE TIME OF PLANTING AND
24 MAY CONTAIN EVERGREENS AND/OR DECIDUOUS TREES. SUCH TREES SHALL
25 BE SELECTED FROM THE MOST RECENT "RECOMMENDED TREE LIST, PLANTING
26 A TREE ON THE PUBLIC RIGHT-OF-WAY," PUBLISHED BY THE MARYLAND
27 FOREST AND PARK SERVICE. THE LANDSCAPE EASEMENT MAY ALSO INCLUDE
28 A ROLLING EARTH MOUND OR BERM OR OTHER SIMILAR TREATMENTS TO
29 SCREEN ADJACENT USES FROM THE ROAD. WHERE THERE IS POTENTIAL FOR
30 A SCENIC VIEW FROM THE ROAD, THE LANDSCAPE EASEMENT MAY BE
31 GRASSED. FENCES SHALL NOT BE ALLOWED WITHIN THE LANDSCAPE
32 EASEMENT.

1 j. FENCES MAY BE ERECTED WITHIN SIX (6) FEET OF THE OUTSIDE
2 PERIMETER OF THE LANDSCAPE EASEMENT, SHALL BE DESIGNED AND
3 SPECIFIED BY THE DEVELOPER, AND SHALL BE UNIFORM IN DESIGN FOR
4 THE ENTIRE SUBDIVISION FRONTING THE PARKWAY. THE DESIGN OR
5 GUIDELINES FOR SUCH FENCES SHALL BE SUBMITTED AS PART OF THE
6 LANDSCAPE PLAN FOR THE APPROVAL BY THE DEPARTMENT OF PLANNING AND
7 ZONING.

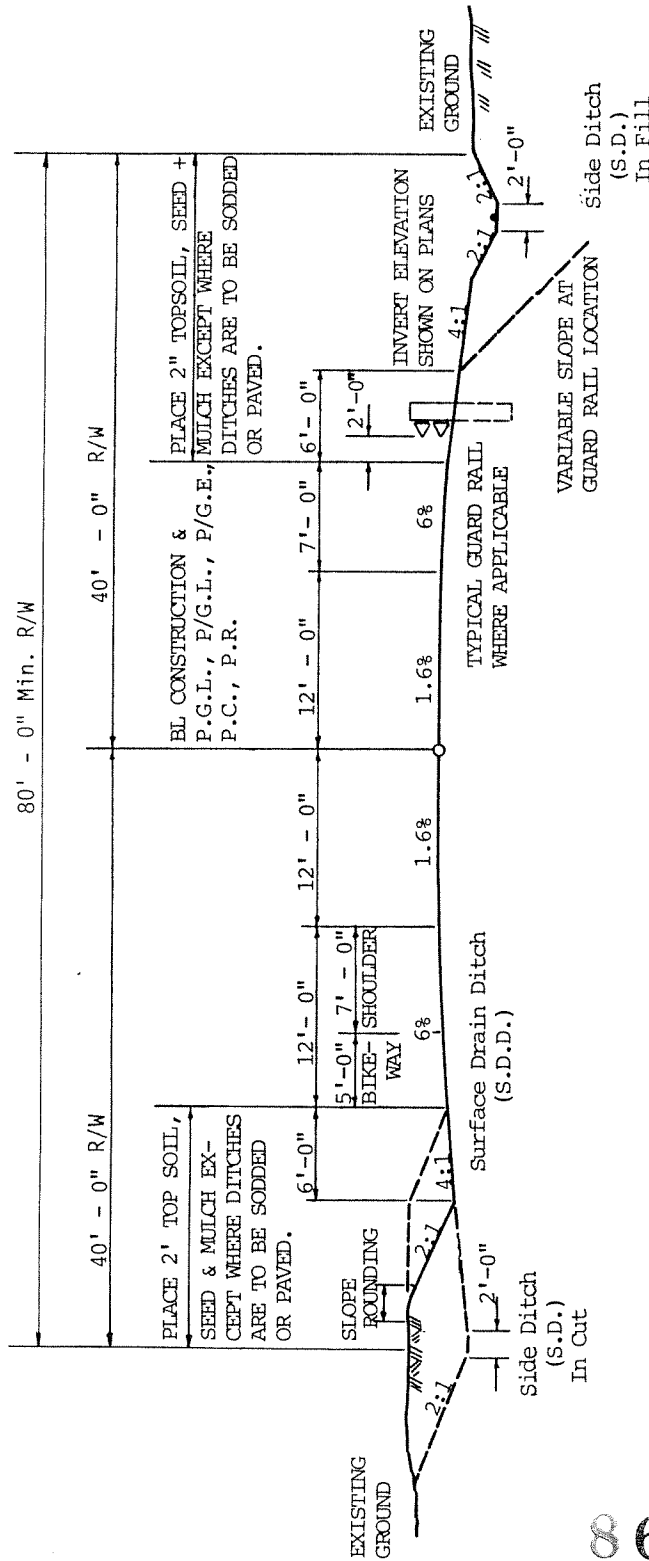
8 k. WITHIN ANY DEVELOPMENT PHASE OR SECTION WHICH INCLUDES A
9 PORTION OF THE PARKWAY, NO BUILDING PERMITS SHALL BE ISSUED UNTIL
10 LANDSCAPING IS INSTALLED WITHIN THE EASEMENT AS REQUIRED IN THE
11 LANDSCAPING PLAN, OR UNTIL AN ADEQUATE BOND IS POSTED TO
12 GUARANTEE INSTALLATION OF LANDSCAPING WITHIN ONE (1) YEAR OF THE
13 BOND POSTING.

14 l. A METHOD SATISFACTORY TO THE DEPARTMENT OF PLANNING AND
15 ZONING ENSURING THAT THE LANDSCAPE EASEMENT IS MAINTAINED AS
16 DESIGNED SHALL BE PROVIDED BY THE DEVELOPER.

17 m. TO ENSURE VISIBILITY, LANDSCAPING AT INTERSECTIONS SHALL
18 BE PURSUANT TO SECTION 25-5.4(c) OF THE HARFORD COUNTY ZONING
19 CODE.
20
21
22
23
24
25
26
27
28
29
30
31
32

7.05.

a. TYPICAL SECTION.

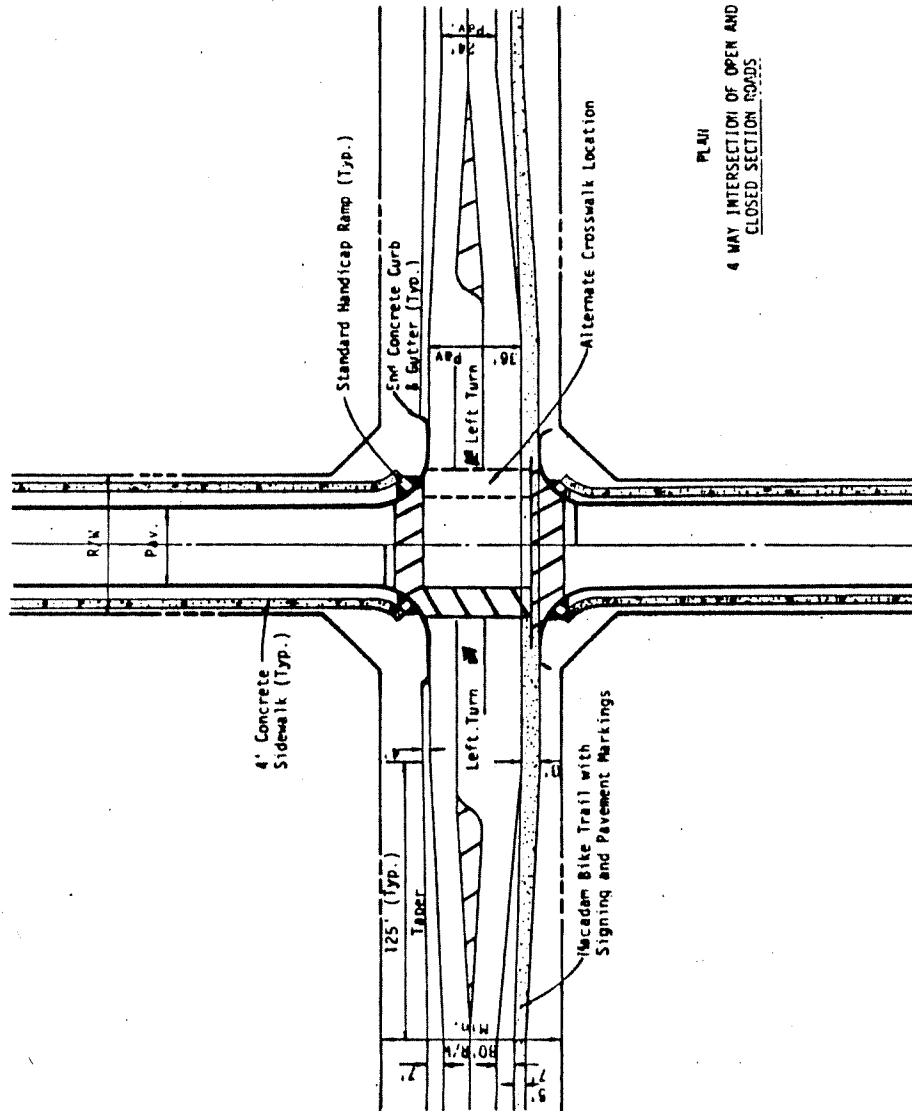


TYPICAL SECTION

NO SCALE

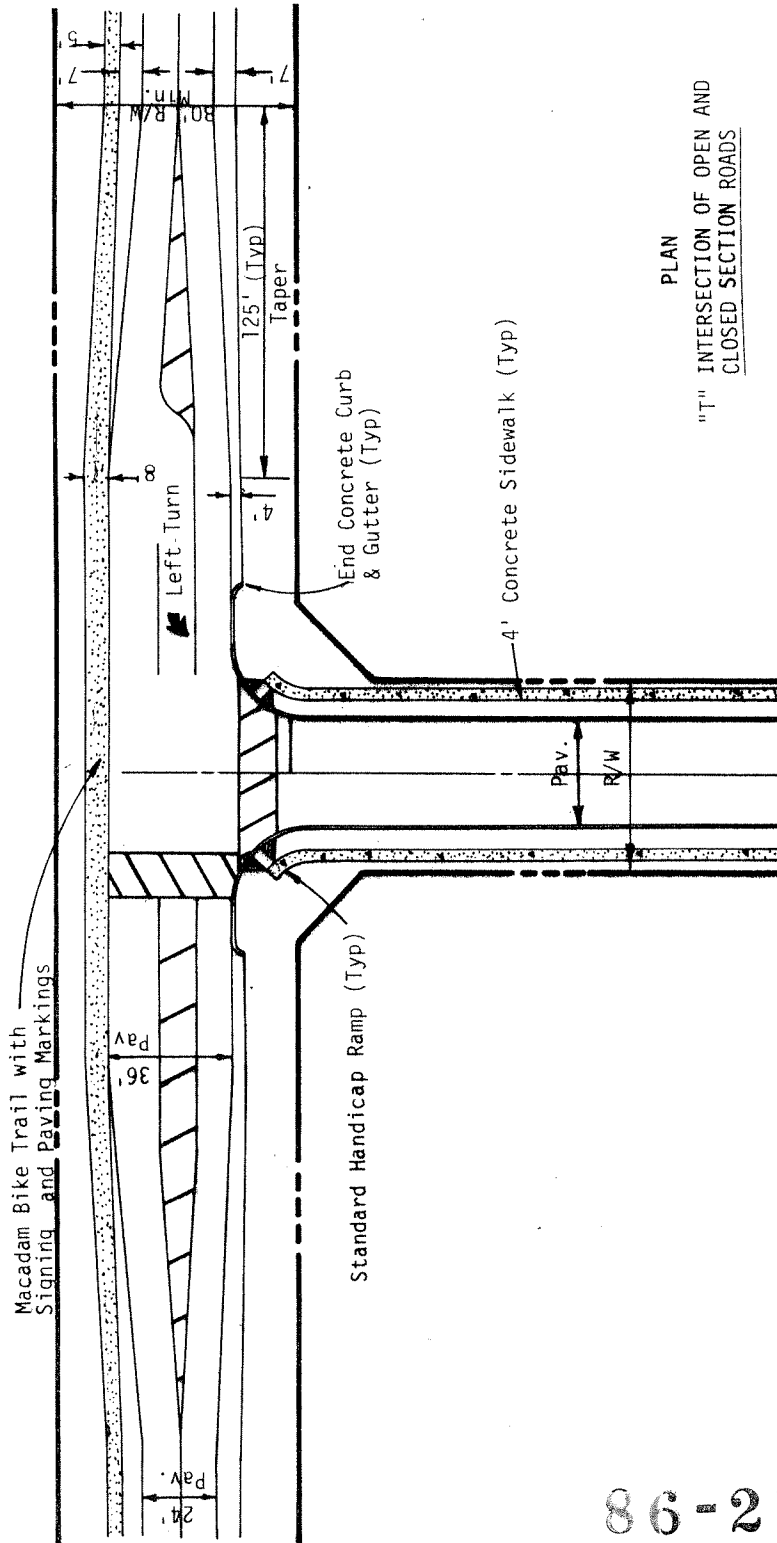
7.05.

b. FOUR-WAY INTERSECTION OF OPEN AND CLOSED SECTION ROADS.



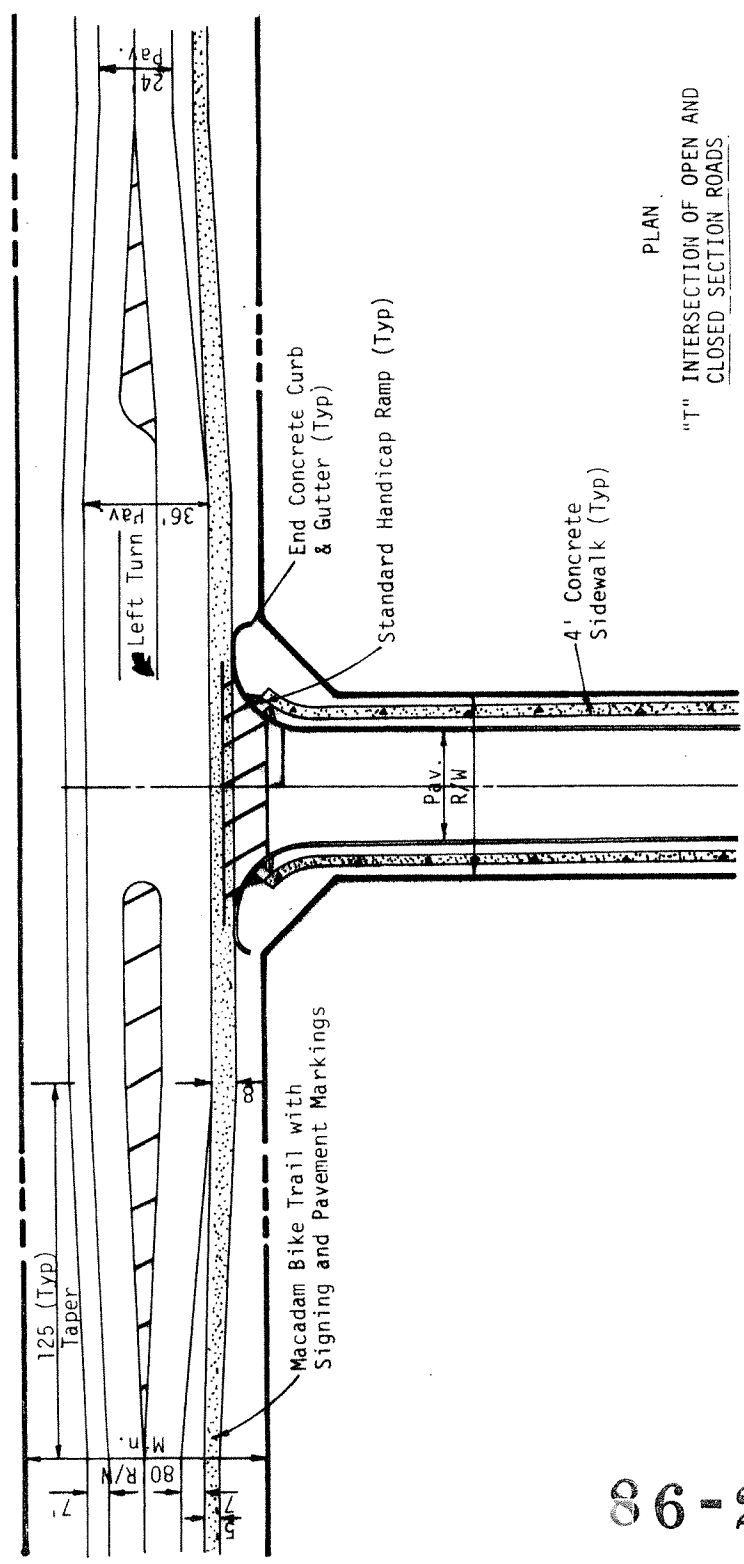
7.05.

c. "T" INTERSECTION OF OPEN AND CLOSED SECTION ROADS.



7.05.

d. "T" INTERSECTION OF OPEN AND CLOSED SECTION ROADS.



PLAN
"T" INTERSECTION OF OPEN AND
CLOSED SECTION ROADS

1 7.06. ADMINISTRATION AND PROCEDURE.

2 a. THE OVERALL EXTENT AND CHARACTER OF THE RIGHT-OF-WAY AND
3 LANDSCAPE EASEMENT SHALL BE INDICATED ON CONCEPT PLANS AND SHALL
4 BE DIMENSIONED ON PRELIMINARY PLANS. A DETAILED LANDSCAPE PLAN
5 SHALL BE SUBMITTED. FOLLOWING PRELIMINARY PLAT APPROVAL AND PRIOR
6 TO FINAL APPROVAL, THE PLAN SHALL BE SUBMITTED TO THE DEPARTMENT
7 OF PLANNING AND ZONING, CONCURRENT WITH SUBMISSION OF GRADING
8 PLANS TO THE DEPARTMENT OF PUBLIC WORKS. SUCH PLANS SHALL
9 INDICATE TREE/SHRUB LOCATIONS AND SPECIES AND LOCATION AND NATURE
10 OF OTHER TREATMENTS (BERMS, ETC.) AND SHOULD INCLUDE SECTIONS OF
11 THE RIGHT-OF-WAY AND LANDSCAPE EASEMENT AT A SCALE SUFFICIENTLY
12 LARGE TO INDICATE THE CHARACTER OF THE LANDSCAPE TREATMENT.

13 b. BEFORE APPROVING THE LANDSCAPE PLAN, THE DIRECTOR OF
14 PLANNING AND ZONING SHALL REQUEST AND RECEIVE WRITTEN COMMENTS ON
15 THE PLAN FROM THE MARYLAND STATE FORESTRY SERVICE.

16 c. WHERE EXCEPTIONAL CIRCUMSTANCES OF TOPOGRAPHY, AESTHET-
17 ICS, NATURAL FEATURES, ROAD GEOMETRICS OR CAPACITY OR DEVELOPMENT
18 PHASING OR CONSTRUCTION WARRANT, THE DIRECTORS OF PLANNING AND
19 ZONING AND PUBLIC WORKS SHALL BE EMPOWERED JOINTLY TO AUTHORIZE
20 MODIFICATIONS FROM THE ABOVE REGULATIONS.

21 d. THESE REGULATIONS SHALL APPLY TO ALL TYPES OF DEVELOP-
22 MENT ALONG PARKWAYS.

23 e. THE PROVISIONS OF THIS ACT SHALL NOT APPLY TO ANY
24 DEVELOPMENT HAVING AN APPROVED CURRENT CONCEPT PLAN OR PRELIMI-
25 NARY PLAN APPROVAL.

26 Section [VII] VIII

27 Modifications and Exceptions

28 [7.01] 8.01. In any particular case whereby reason of excep-
29 tional topographic or other physical conditions, strict
30 compliance with any requirement of these regulations would cause
31 practical difficulty and exceptional and undue hardship, the
32 Commission may relax such requirement to the extent deemed just

1 and proper, so as to relieve such difficulty or hardship;
2 provided such relief may be granted without detriment to the
3 public good and without impairing the intent and purposes of
4 these regulations or the desirable general development of the
5 neighborhood and the community in accordance with the adopted
6 Master Plan and the Zoning Ordinance. Any modification thus
7 granted shall be entered in the minutes of the Commission,
8 setting forth the reasons which, in the opinion of the Commis-
9 sion, justified the modification.

10 Section [VIII] IX

11 Appeals

12 9.01. Any person, taxpayer, officer, department, board or bureau
13 of the County aggrieved by any decision of said Planning
14 Commission may within thirty (30) days after the filing of such
15 decision in the office of the Planning Commission appeal to the
16 Circuit Court for Harford County. Upon the hearing of such
17 appeal, the decision of the Planning Commission shall be presumed
18 by the Court to be proper and to best serve the public interest.
19 The burden of proof shall be upon the appellant, or appellants,
20 to show that the decision complained of was against the public
21 interest and that the Planning Commission's discretion in
22 rendering its decision was not honestly and fairly exercised, or
23 that such decision was arbitrary, or procured by fraud, or
24 unsupported by any substantial evidence, or was unreasonable, or
25 that such decision was beyond the powers of said Planning
26 Commission and was illegal. The said Court shall have the power
27 to affirm, modify, or reverse in part or in whole any decision
28 appealed from and may remand any case for the entering of a
29 proper order or for further proceedings, as the Court shall
30 determine.

1 An appeal may be taken to the Court of SPECIAL Appeals of
2 Maryland from any decision of the Circuit Court for Harford
3 County.

4 Section [IX] X

5 Validity

6 10.01. If any section, subsection, paragraph, sentence, or
7 phrase of these Subdivision Regulations is for any reason held to
8 be invalid by a Court of competent jurisdiction, such decision
9 shall not affect the validity of the remaining portions thereof.

10 Section 2. And Be It Further Enacted, that this act shall take
11 effect sixty (60) calendar days from the date it becomes law.

12 EFFECTIVE: August 4, 1936
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

86-21

BY THE COUNCIL

AS AMENDED

BILL NO. 86-21 (as amended)

Read the third time.

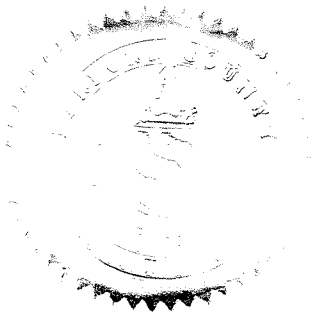
Passed LSD 86-16 (June 3, 1986) (with amendments)

Failed of Passage _____

By order

Angela Markowski, Secretary

Sealed with the County Seal and presented to the County Executive
for his approval this 4th day of June, 19 86
at 3:00 o'clock P.M.



Angela Markowski, Secretary

BY THE EXECUTIVE

APPROVED:

[Signature]
County Executive
Date 6-4-86

BY THE COUNCIL

This Bill (No. 86-21, as amended), having been approved
by the Executive and returned to the Council, becomes law on
June 4, 1986.

Angela Markowski, Secretary

EFFECTIVE DATE: August 4, 1986

86-21

AS AMENDED